

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
South Central School District
Accountability Review - Focus Monitoring Report 2010-2011

Team Members: Donna Huber, Team Leader; and Brenda Boyd, Education Specialist

Dates of On Site Visit: February 14, 2010

Date of Report: March 18, 2011

3 month update due: June 18, 2011

Date Received: July 8, 2011

6 month update due: September 18, 2011

Date Received:

9 month update due: December 2011

Date Received:

Closed: August 25, 2011

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance.(Reference-ARSD 24:05:20:20.)

1) GENERAL SUPERVISION

Present levels: December 13, 2004

ARSD24:05:25:04 Evaluation Procedures

School districts shall ensure, at a minimum, a child is assessed in all areas related to the suspected disability and those evaluation procedures include a variety of assessment tools and strategies to gather relevant functional and developmental information about the child.

In eight files reviewed, there was no evidence of functional assessment. The present levels of performance showed knowledge of student's strengths and weaknesses, but through the file reviews and teacher interviews, they were not conducting functional assessment and including those in a written report. In two files there was no transition evaluation conducted

Follow-up: February 14, 2011

Finding: Skill based assessment was evident in all files reviewed and skill based information was included in the written reports.

2) GENERAL SUPERVISION

Present levels: December 13, 2004

ARSD 24:05:30:05. Content of notice

The notice must include the following: A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal.

In three files reviewed there were evaluations given without consent. Two of the files did not have consent for transition evaluations and one did not address adaptive, visual motor and sensory evaluations. Five files did not contain any form of consent for evaluation. Two of them were for evaluations which were conducted on out of district placements and three were local re-evaluations.

Follow-up: February 14, 2011

Finding: Prior notice consent for evaluations were found in all files reviewed. But evaluations were conducted or used in the eligibility process without parental consent. For example, in two files (files 8 and 3) in which students were being evaluated for the disability category of "Other Health Impaired" the district did not document on the prior notice consent form that previous chronic medical documentation would be pulled forth as part of the evaluation process. In a third file (file 7), a student was being evaluated for the disability categories of "Cognitive Disability, Specific Learning Disability or Other Health Impaired" but the district did not get consent for the adaptive evaluation which was conducted or to pull forth a medical documentation. In a fourth file (file 5) a student who was being evaluated for "Specific Learning Disability, Cognitive Disability, or Other Health Impaired" the district did not receive consent to conduct an adaptive behavior evaluation or to do observations.

When the district specifically states in the prior notice that they are evaluating for specific disabilities, as this district does, the district must ensure that the prior notice consent for evaluation documents all the areas (cognitive, adaptive behavior, observations etc.) required to conduct a comprehensive evaluation to rule in or rule out any of the suspected disabilities. The district must then obtain parental consent prior to evaluate or bring forth each area and use the information for determining eligibility.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: <ol style="list-style-type: none"> 1) District will receive training in the following areas: <ol style="list-style-type: none"> a) Completing prior notice consent for evaluation b) Aligning the prior notice consent with the required areas to be evaluated for each disability area. 	March 28, 2011	Special Education Staff	
Data Collection: <ol style="list-style-type: none"> 1) District will report the date of the training, the presenter/s and names and position of those staff members who attended. 	February 16, 2012		Met August 23, 2011
Activity/Procedure: <ol style="list-style-type: none"> 2) District will evaluate and use for determining eligibility only those areas identified on the prior notice consent for evaluation. 			
Data Collection: <ol style="list-style-type: none"> 2) Teacher will submit the following: <ol style="list-style-type: none"> a) one prior notice consent for evaluation and the corresponding reports for one student who was evaluated during the reporting period b) one eligibility document for the same student 			Met August 23, 2011

3 month Progress Report:

- 1) Training was conducted on March 8, 2011 by Donna Huber, Ed. Spec. with the following people in attendance: Kathy Cerny, Ericka Kotab and Jennifer Klundt. **Met August 23, 2011**
- 2) South Central School District submitted material to reflect evaluation reports which aligned with the Prior Notice Consent for evaluation for the disability category of 510 which was conducted April 2011. The eligibility document reflected all evaluation results which were used to determine eligibility for the student. **Met August 23, 2011**

6 month Progress Report:

9 month Progress Report:

3) GENERAL SUPERVISION

Present levels: December 13, 2004

ARSD24:05:27:132.02. Transition services

Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

In two of the five files reviewed of individuals age fourteen or older, the individual education program did not address an outcome oriented process for future planning of employment and living arrangements. They were either blank or addressed previous employment.

Follow-up: February 14, 2011

Finding: No findings

4) GENERAL SUPERVISION

Present levels: December 13, 2004

24:05:27:01.03. Content of individualized education program

Each student's individualized education program shall include a statement of measurable annual goals, including benchmarks or short-term objectives. Annual goals should be designed to indicate activities the student will be working on. They are to be annual and measurable and should be reasonable (something the student can be expected to achieve in one year).

In eight files reviewed, the goals were not measurable.

- eg. **** will expand her receptive communication skills to an age appropriate level.
- **** will organize and express ideas through writing.
- **** will use vocabulary words to complete worksheet and apply to all subject areas

ARSD24:05:27:01.03. Content of individualized education program

Each student's individualized education program shall include an explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and non-academic activities. Justification statements are to use an accept/reject format which supports the information in the individual education program and clearly states why the placement is necessary to meet the unique educational needs of the student.

In four files reviewed, the team found justification statements that did not address placement using the continuum of placement options.

Follow-up: February 14, 2010

Finding: Through file review the monitoring team determined the district does not consistently complete all content of the IEP correctly, including continued concern in the area of writing measurable goals and the justification statement. Additional concerns include the strength and needs listed on the present level of academic achievement and functional performance page (PLAAFP) were not consistently skill specific and there was not a clear description of services the district is committed to provide on behalf of the student.

Although the district completes skill based assessments in order to determine a student's specific strengths and needs in the area of eligibility, the results of these assessments are not transferred specifically on the PLAAFP of the IEP. Rather than listing the specific skills identified in the skill based assessment reports, the district listed such generalized skills as "writing fluency" or "decoding" on the PLAAFP. This in turn resulted in many goals that cannot be met within the time frame of the annual IEP time frame.

The district was also inconsistent when writing goals. Some goals had condition, performance and criteria and some goals lacked a condition or specific performance. This inconsistency occurred within 5 of the 9 files reviewed.

The district did not consistently provide a clear description of what services the district was committed to provide in 6 of 9 files reviewed. In two files reviewed the description of services showed services for "speech/language" but the student's only needs were in the area of articulation. In the other four files the district included such services as study hall and alternate science which reflect the student's schedule but not the specific skill areas the district will be addressing through the IEP.

The district did not consistently use the reject/accept method when addressing the justification for pulling a student out of the general classroom in 4 of the 9 files reviewed.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1. District will receive training in the areas of IEP content Data Collection: 1. District will submit the date of the training, person providing the training and names and position of those who attended the training.	March 28, 2011	Special Education Director and Special Education Staff	1) Met August 23, 2011
Activity/Procedure: 2. District will adequately address all content in the IEP, including: <ul style="list-style-type: none"> a) justification for placement b) description of services c) skill specific strengths and needs in the area of the disability/disabilities on the PLAAFP d) measurable and observable goals Data Collection: 2. Teacher will submit 1 IEP per reporting period to the team leader.	February 16, 2012		2) Met August 23, 2011

3 month Progress Report:

- 1) Training was conducted on March 8, 2011 by Donna Huber, Ed. Spec. with the following people in attendance: Kathy Cerny, Ericka Kotab and Jennifer Klundt. **Met August 23, 2011**
- 2) District material that was submitted reflected skill based strengths and needs on the PLAAFP, measurable goals, clear description of services and a justification statement for placement which provided a clear understanding of what instructional needs the student had that resulted in the district was removing the student from the general classroom. **Met August 23, 2011**

6 month Progress Report:

9 month Progress Report:

5) GENERAL SUPERVISION

Finding: February 14, 2011

ARSD 24:05:17:03. Annual report of children served. In its annual report of children served, the department shall indicate the number of children with disabilities receiving special education and related services on December 1 of that school year

Through file review the monitoring team determined one ineligible student was on the 2010 child count. The student had been correctly included in the 2009 child count but had been reevaluated in April 2010 and no longer met the eligibility criteria as a student with a disability. But the district again reported this student on the 2010 child count as a student with a disability.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1) The district will report only those students who are eligible for special education and have an active IEP effective December 1 on the child count. Data Collection: 1) District will document what method they will be using to ensure only those students that meet eligibility and have an active IEP on December 1 are reported on the December child count.	May 20, 2011	Special Education Staff	1)Met August 23, 2011

3 month Progress Report:

- 1) The district has explained the method they will use to ensure child count reflects only those students have an active IEP in effect on Dec. 1.

6 month Progress Report:

9 month Progress Report: